DOCUMENT RESUME

ED 118 775 CE 006 302

AUTHOR Bobbitt, J. Frank; Shapley, Allen E.
TITLE Employing Youth in Farm Occupations. Special Paper No. 26.
INSTITUTION Michigan State Univ., East Lansing. Center for Rural Manpower and Public Affairs.
REPORT NO VT-102-488
PUB DATE Apr 75
NOTE 22p.

EDRS PRICE MF-$0.83 HC-$1.67 Plus Postage
DESCRIPTORS *Child Labor Legislation; *Farm Occupations; *Labor Legislation; Minimum Wage Legislation; School Attendance Legislation; *State Legislation; State Standards; Workmans Compensation; *Youth Employment
IDENTIFIERS *Hazardous Occupations; Michigan

ABSTRACT

Federal and State of Michigan regulations related to employing youth in farm occupations are presented in the document. Issues such as minimum wage, minimum age, hazardous occupations regulations, and compulsory education requirements are covered as well as a legal definition of agriculture, social security and income tax regulations, and supervision of youth in farm occupations. Appended is a list of documents addressing these issues. (LJ)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED118775

CENTER FOR RURAL MANPOWER & PUBLIC AFFAIRS

CRMPA

Michigan State University, East Lansing, Michigan 48824

SPECIAL PAPER NO. 26

APRIL 1975

EMPLOYING YOUTH IN FARM OCCUPATIONS

Q's	A's Yes	A's No	Page
Are there any restrictions when employing 16 and 17 year-olds on farms?		✓	3, 4
Can a youth be paid less than the State minimum wage?	✓		9
Does a youth doing farm work need a work permit?		✓	3
Are there any restrictions as to how many hours a youth under 16 can work outside of school hours?		✓	12
May youth under 16 operate large tractors?			

J. Frank Bobbitt
Department of Secondary Education and Curriculum

Allen E. Shapley
Department of Agricultural Economics

U S DEPARTMENT OF HEALTH EDUCATION & WELFARE NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY.

TABLE OF CONTENTS

	Page
INTRODUCTION.	ii
LEGAL DEFINITION OF AGRICULTURE	1
MINIMUM AGE --- STATE	2
MINIMUM AGE --- FEDERAL	2
STATE CHILD LABOR REGULATION.	3
FEDERAL HAZARDOUS OCCUPATIONS REGULATIONS	4
STATE MINIMUM WAGE REGULATIONS.	9
FEDERAL MINIMUM WAGE REGULATIONS.	9
STATE COMPULSORY EDUCATION REGULATIONS.	11
FEDERAL SCHOOL AND HOURS REGULATION	12
STATE WORKMEN'S COMPENSATION REGULATIONS.	13
STATE AND FEDERAL UNEMPLOYMENT INSURANCE REGULATIONS.	15
FEDERAL SOCIAL SECURITY REGULATION.	15
STATE AND FEDERAL INCOME TAXES.	15
SUPERVISION OF YOUTH IN FARM OCCUPATIONS.	16
APPENDIX A.	18

VT 102488

INTRODUCTION

Young people can be an excellent source of labor for Michigan farms. Many farmers have hired young people for years as their main source of labor and are very satisfied with the results. From the legal viewpoint youth have advantages over adult employees in such matters as being exempt from the State minimum wage. From the performance viewpoint, youth have the advantage over adults in such things as speed, response to challenge, etc.

There are also disadvantages to employing youth. Some of these are legal in nature such as job restrictions. Others are behavioral such as immaturity and lack of experience. Some farmers refuse to even consider employing youth because they're afraid they'll either break a regulation or won't be able to handle them.

This bulletin is an attempt to clarify some of the issues that act as disadvantages to employing youth. If an employer understands the labor regulations, he will see that the legal advantages of employing youth far outweigh the disadvantages. If an employer understands what motivates youth and adjusts his supervision tactics accordingly, he'll often find that they are just as responsive and productive as adults.

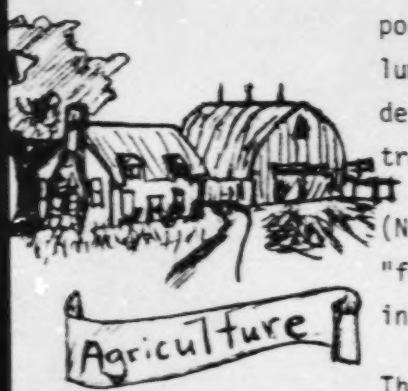
The bulletin does not attempt to cover each topic in detail. However, the appendix lists a number of publications and where they can be acquired that do go into considerable depth.

LEGAL DEFINITION OF AGRICULTURE

Agriculture has been defined in many ways. Some farmers, because of the kind of enterprises and side businesses, are not sure whether or not they qualify as "agriculture" under the regulation. An attempt is made here to clarify this issue.

Most of the Federal regulations discussed herein come under the Fair Labor Standards Act (FLSA). In the FLSA, agriculture is defined as:

".... farming in all its branches and among other things includes the cultivation and tillage of soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations), including preparation for market, delivery to storage or to market or to carriers for transportation to market."



(Note: There are additional special treatments for "forestry and lumbering operations". For additional information on these, see listing in Appendix A.)

The State Minimum Wage Regulation uses the above FLSA definition for its definition. The State Child Labor Regulation refers to "farm work" but if a question arises the administration looks to the administrator of the State Minimum Wage Regulation for clarification.

Since the Workmen's Compensation Regulation and the Compulsory Education Regulation do not separate out agriculture, there is no need for a definition under these regulations.

MINIMUM AGE --- STATE

There is no state regulation that restricts employment of youth in agriculture relative to age.

MINIMUM AGE --- FEDERAL

(Part of the Fair Labor Standards Act)

Under this regulation children under 12 years of age are barred from employment in agriculture except:

(a) On farms owned or operated by their parents or persons standing in place of their parents.

(b) On farms exempt from the minimum wage by virtue of the "500 man-day test". Such children must have consent of their parents. (For definition of this test, see page 8.)

In both (a) and (b) above, the children must be employed outside of school hours for the school district where they reside.

Also, under this regulation, 12 and 13 year olds are prohibited from employment in agriculture unless such employment occurs outside of school hours for the school district in which they reside and the employment is with the consent of their parents or persons standing in the place of their parents, or they are employed on the same farm as their parents or persons standing in the place of their parents.

Children age 14 and over are not prohibited from employment in agriculture in any way by this regulation.

STATE CHILD LABOR REGULATION

The Hittle Juvenile Employment Act governs the employment of youth in Michigan. However, farm work is exempt from the requirements of this regulation.

For those businesses that do come under the Act, the employer must have an "Occupational Approval Number". He receives this upon approval of his application (Form L-52) to the Michigan Department of Labor. The employer can then employ youth under 18 but any youth so hired must obtain a work permit through his school.

Farm work is one of the few exempted occupations. Two others that may be of interest to some farmers are:

(a) Domestic work.

(b) Work in any business owned and operated by a parent. Canning and fruit packing businesses do come under the regulation but receive special treatment concerning the hours a youth can work.

Farmers may disregard this regulation. However, any farmer operating a business, in addition to his farm in which he wishes to employ youth, should send for the relevant information. (See Appendix A.)

FEDERAL HAZARDOUS OCCUPATIONS REGULATIONS

(Part of the Federal Fair Labor Standards Act)

The Federal government has identified 11 hazardous occupations in agriculture and has declared them "off limits" to youth under 15 working off the home farm or for someone other than their parents. The hazardous occupations (HO) are:

HO (a) Operating a tractor of over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor.

HO (b) Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines:

(1) Corn picker, grain combine, hay mower, forage harvester hay baler, potato digger, or mobile pea viner;

(2) Feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism or a nongravity-type self-unloading wagon or trailer; or

(3) Power post-hole digger, power post driver, or nonwalking-type rotary tiller.

HO (c) Operating or assisting to operate (including starting, stopping, adjusting, feeding, or any other activity involving physical contact associated with the operation) any of the following machines:

(1) Trencher or earthmoving equipment;

(2) Fork lifts;

Hazardous Occupations (continued)

(3) Potato combine; or

(4) Power-driven circular, band, or chain saw.

HO (d) Working on a farm in a yard, pen, or stall occupied by a:

(1) Bull, boar, or stud horse maintained for breeding purposes; or

(2) Sow with suckling pigs, or cow with newborn calf (with umbilical cord present).

HO (e) Felling, bucking, skidding, loading, or unloading timber with butt diameter of more than 6 inches.

HO (f) Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) at a height of over 20 feet.

HO (g) Driving a bus, truck, or automobile when transporting passengers, or riding on a tractor as a passenger or helper.

HO (h) Working inside:

(1) A fruit, forage, or grain storage designed to retain an oxygen deficient or toxic atmosphere;

(2) An upright silo within 2 weeks after silage has been added or when a top unloading device is in operating position;

(3) A manure pit; or

(4) A horizontal silo while operating a tractor for packing purposes.

Hazardous Occupations (continued)

HO (i) Handling or applying (including cleaning or decontaminating equipment, disposal or return of empty containers, or serving as a flagman for aircraft applying) agricultural chemicals classified under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.) as Category I of toxicity, identified by the word "poison" and the "skull and cross-bones" on the label; or Category II of toxicity, identified by the word "warning" on the label.

HO (j) Handling or using a blasting agent, including, but not limited to, dynamite, black powder, sensitized ammonium nitrate, blasting caps, and primer cord; or

HO (k) Transporting, transferring, or applying anhydrous ammonia.

Exceptions to the Order

The hazardous occupations do not apply to the employment of a child below the age of 16 by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

Exemptions From the Hazardous Occupations Order

There are certain exemptions from the order that allow youth below the age of 16 to work in certain of the hazardous occupations. A 14 or 15 year old youth may get an exemption by completing a prescribed course offered either by a local 4-H agent or vocational agriculture instructor.

The prescribed course includes instruction on Safe Tractor and Machinery Operation with both a written test of understanding and a demonstration of safe tractor and machinery operation. The 4-H program is a 10-hour training program in safe tractor operation and 10 hours of training in safe

Hazardous Occupations (continued)

machine operation open to 4-H members. The vocational agriculture training program is available to vocational agriculture students and includes 15 hours of training in safe tractor operation and 10 hours of training in safe machinery operation.

At the successful completion of these courses the youth is issued a certificate signed by the authorized instructor attesting to the successful completion of the prescribed course. The employer must have this certificate on file in addition to records that indicate the child's name, address, and date of birth.

The youth must be continuously and closely supervised by his employer where feasible; or where not feasible is checked by the employer at midmorning, noon, and midafternoon.

An exemption can also be obtained by vocational agriculture student learner when the following requirements are met:

(a) The student-learner is enrolled in a vocational education training program in agriculture under a recognized State or local educational authority, or in a substantially similar program conducted by a private school.

(b) Such student-learner is employed under a written agreement which provides:

(1) that the work of the student-learner is incidental to his training;

(2) that such work shall be intermittent, for short periods of time, and under the direct and close supervision of a qualified and experienced person.

Hazardous Occupations (continued)

(3) that safety instruction shall be given by the school and correlated by the employer with on-the-job training;

(4) that a schedule of organized and progressive work processes to be performed on the job have been prepared.

(c) Such written agreement contains the name of the student-learner, and is signed by the employer and by a person authorized to represent the educational authority or school.

(d) Copies of each such agreement are kept on file by both the educational authority or school and by the employer.

Student-learners who meet these requirements may legally perform hazardous occupations HO (a), (b), (c), (d), (e), and (f).

12

YES

STATE MINIMUM WAGE REGULATIONS

The Michigan minimum wage regulation applies only to employees between the ages of 18 and 65 years. Therefore, farmers or any other employers, may disregard this regulation relative to the employment of youth.

FEDERAL MINIMUM WAGE REGULATIONS

(Part of the Fair Labor Standards Act)

The Federal minimum wage regulation governs the employment of youth in many ways. However, youth employed in agriculture are treated differently than in other occupations.

The regulation exempts small employers from the regulation. Any farmer must comply that employs enough workers to have 500 man-days of hired work performed on his farm during any quarter of the preceding year. (The 500 man-day test includes any employee who performs work for one hour or more during any day.)

Some workers are included in determining the 500 man-day test but excluded from the minimum wage requirement. These are:

(a) Workers who care for livestock and who must be available at all hours.

(b) Youths under 16 years of age who are employed with their parents in harvesting crops and traditionally paid on a piece rate basis.

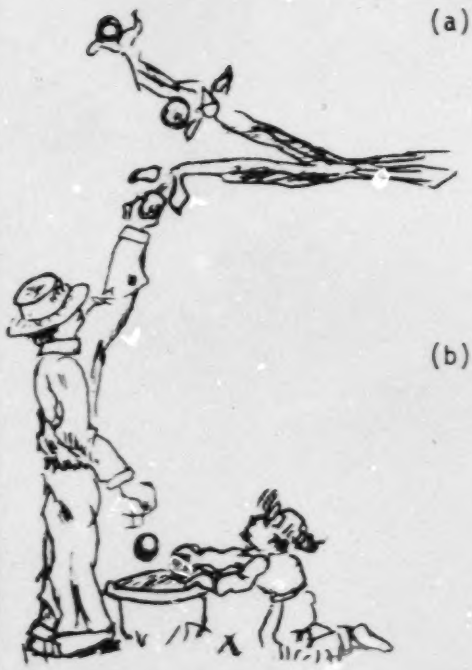
(c) Local workers who commute daily from their permanent residence are traditionally paid on a piece rate basis, and are employed less than 13 weeks per year.

Federal Minimum Wage (continued)

The only workers excluded from both the 500 man-day test and from the minimum wage requirement are workers in the employer's immediate family.

If a farmer meets or exceeds the "500 man-day test," he must pay the Federal minimum wage to all his employees including youth except for special cases discussed below. This wage is:

Beginning Jan. 1, 1975 - $1.80 per hour
Beginning Jan. 1, 1976 - $2.00 per hour
Beginning Jan. 1, 1977 - $2.20 per hour
Beginning Jan. 1, 1978 - $2.30 per hour



The Special Cases

(a) An employee 16 years of age or under employed as a hand harvest laborer, paid on a piece rate basis, employed on the same farm as his parent or person standing in the place of his parent, and paid at the same piece rate as employees over age 16 are paid, does not have to be paid the minimum wage.

(b) A full-time student (elementary, secondary, or college) may be employed at a rate not less than 85 percent of the applicable minimum wage in agriculture. After four students have been employed at sub-minimum rates, the Secretary of Labor must find that the full-time employment opportunities of nonstudents will not be reduced before issuing certificates for employment of each additional student. For information acquiring certification, see Appendix A.

Therefore, due to the "special cases" above and the fact that most Michigan farms are small enough to be excluded from the regulation, most youth are either exempt from or can be paid a percentage of the Federal minimum wage.

STATE COMPULSORY EDUCATION REGULATIONS

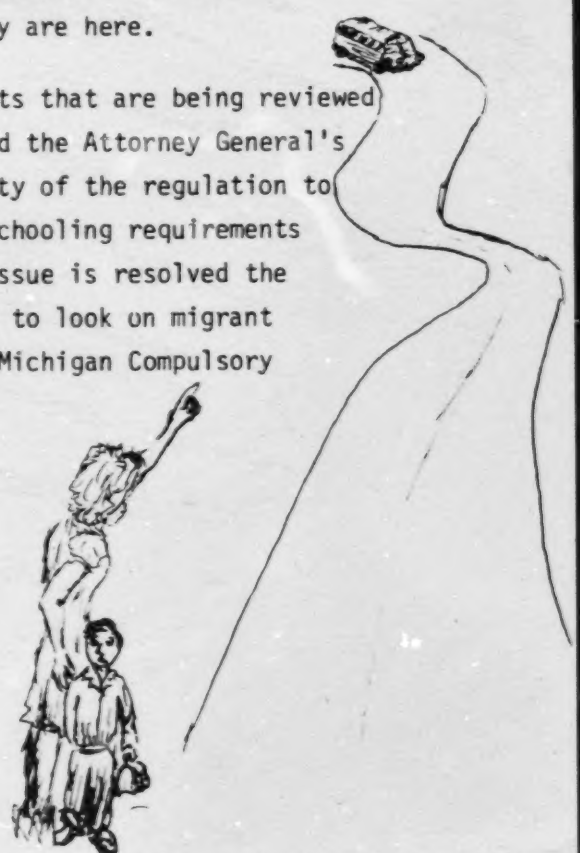
The Michigan school code states that every parent, guardian or other person in the state, having control and charge of any child between the ages of 6 and 16 years shall send the child to the public schools during the entire school year.

Failure to comply with the regulation shall make the parent, guardian or other person in parent relationship liable for fines and/or imprisonment. This regulation does not involve the employer.

Migrant Children

The Michigan Department of Education considers migrant children who come to Michigan before the end of school in Michigan as also covered by the Compulsory Education Regulations. Likewise migrant children in Michigan in the fall are also covered by the Compulsory Education Act should school start while they are here.

There are some controversial points that are being reviewed by the Department of Education and the Attorney General's Office concerning the applicability of the regulation to children who have completed the schooling requirements in some other state. Until the issue is resolved the Department of Education continues to look on migrant children as being covered by the Michigan Compulsory Education Regulations.



FEDERAL SCHOOL AND HOURS REGULATION

Youth under 16 cannot work during school hours except on the home farm of his parents. "During school hours" means the hours when the school for the school district where the child is living while employed is in session. (This means that, if school is open in the place where a crew leader takes his workers, the children may not work during the hours the school is open.)

Children should be enrolled in the local school in the fall as soon as it opens even though the family is going to another area later or out of state.

"School hours for the school district where such employee is living while he is so employed" do not apply in the spring to a child from another school district if the school he last attended has closed for the school year; however, local school attendance regulations may require that these children attend school even if the school they last attended in another district is closed (see page 11).

A written statement signed by the school official of the school the child last attended would constitute satisfactory evidence that the school the child last attended is closed. This statement should contain the name of the child, the name and address of the school, the date the school closed for the current year, and the date the statement was signed.

Youth under 16 years of age but at least 12 years of age may work outside school hours in farm jobs not included in the hazardous occupations (see page 4).

Youth 16 years old and over may work at any time in any farm job.

STATE WORKMEN'S COMPENSATION REGULATIONS

The Michigan Workmen's Compensation Act covers employees of all ages. All employers who regularly employ three or more employees at one time must carry the insurance. Also, all employers who regularly employ less than three employees must carry the insurance, if at least one of the employees has been regularly employed by that same employer for 35 or more hours per week for 13 weeks or longer during the preceding 52 weeks.

According to the regulation, an employer need not carry workmen's compensation insurance if he has less than the above minimum labor force. However, for his own protection as well as the employee's protection, he should carry workmen's compensation insurance if he employs <u>any</u> labor. The alternatives to workmen's compensation coverage are so risky they do not merit serious consideration.

<u>Issues Concerning Youth</u>

Relative to the employment of youth, there are two issues concerning workmen's compensation. The first concerns injury to a youth while illegally employed. Any minor under 18 years of age whose employment at the time of injury shall be shown to be illegal shall receive compensation <u>double</u> that provided in this Act. Illegal employment is not defined specifically but examples would no doubt include such things as:

(a) Having someone under 16 perform one of the "agricultural hazardous occupations" (see page 4).

(b) Employing someone under 16 years of age during school hours.

State Workmen's Compensation (continued)

The second issue concerning youth and workmen's compensation is the employment of the employer's children. All children living on the premises and who receive at least 50 percent of their support from their employer/parent are excluded from workmen's compensation coverage.

STATE AND FEDERAL UNEMPLOYMENT INSURANCE REGULATIONS

Agricultural employers are exempt from both state and federal unemployment insurance regulations. However, during 1975 employees who have been employed 14 or more weeks at $25 or more per week during the past year can receive unemployment benefits when laid off.

FEDERAL SOCIAL SECURITY REGULATION

The Social Security Regulation applies to youth the same as to all other employees except for one detail.

An employer is not required to pay Social Security (or withhold anything from wages for Social Security) on his own children under 21 years of age who are employed by him.

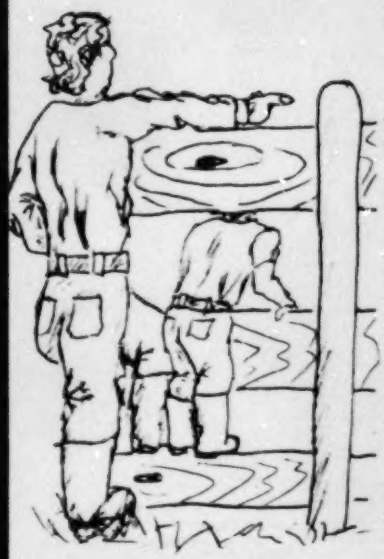
(Note: For a source of detailed information on Social Security, see Appendix A.)

STATE AND FEDERAL INCOME TAXES

Youth are treated the same as all other employees on farms relative to both state and federal income tax. The farmer is not required to withhold for income tax from the employee's wages. He must, however, submit a W-2 form to the employee and the Internal Revenue Office annually showing the wages paid.

SUPERVISION OF YOUTH IN FARM OCCUPATIONS

Youth as employees often respond differently to work situations than do adults. Thus an employer will often have to adjust his supervision tactics to maximize his effectiveness when working with youth.



Instructing Youth

When supervising youth the employer must be sure they understand the work task that is given them. Youth are quick to learn but they often lack experience in the tasks that must be done. Demonstrate the task to be performed and check on the individual shortly after he begins work to make sure he has gotten the instructions correct and to help him polish his skills.

Supervising Youth in Groups

Youth working in groups are often motivated by competition. The development of sub-groups who develop some sort of competition often will help in improving work performance. Youth in groups should have a competent supervisor with them to help with problems that arise. The supervisor should be alert to and stop nonproductive activities before they get out of hand. Treat young employees as equals, not as children. Rewards beyond monetary compensation for productive work are very effective. Free cokes, watermelon, group trips, etc. as rewards for productive work build good worker morale and are particularly effective with youth.

Supervising Youth Working Alone

Youth are more hesitant to ask questions or admit they don't understand. Be sure the tasks to be carried out are understood. Have him demonstrate the tasks you have outlined. Indicate to the young employee the amount of work that you think should be accomplished.

Supervision of Youth (continued)

Make sure the amount is realistic. Check on his progress and technique shortly after he begins his assignment. Praise his performance. Remember that helping the individual to do a good job and then recognizing the good job are powerful influences in obtaining satisfactory results from youth.

Summary

Youth are eager to perform satisfactorily as employees. However, they are still youths and recognition should be given to both their unique physical and psychological needs. Rest breaks, water, etc. need to be supplied to meet physical needs. Recognition for good work, assistance in developing skills, increasing responsibility at the optimum times, offering a challenge, etc. are important when working with any employee but are particularly important in making effective use of young employees.

APPENDIX A

SOURCES OF INFORMATION

1. Employment of Minors in Michigan, Bulletin L-51, State Laws Bureau of Safety and Regulations, 300 East Michigan Avenue, Lansing, Michigan 48926.

2. Agriculture and the Child Labor Requirements, Child Labor Bulletin No. 102, U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, 504 Keeler Building, 60 Division Avenue, North, Grand Rapids, Michigan 49502.

3. Employment of Youth in the Christmas Tree Industry in Michigan, by George Mansell, Extension Manpower Agent, Cooperative Extension Service, 105 County Building, Allegan, Michigan 49010.

4. Michigan Minimum Wage Law, Department of Labor, Employment Standards Administration, Wage and Hour Division, 504 Keeler Building, 60 Division Avenue, North, Grand Rapids, Michigan 49502.

5. Clarification of Workmen's Compensation Insurance, CRMPA Special Paper No. 16, Center for Rural Manpower and Public Affairs, Room 41, Agriculture Hall, Michigan State University, East Lansing, Michigan 48824.

6. Circular A - Agricultural Employer's Social Security Tax Guide, U.S. Department of Treasury, Bureau of Internal Revenue, Federal Building, Lansing, Michigan 48933.